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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/043,872

01/10/2002

Robert P. Micciche

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6287

7590

06/03/2004

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EXAMINER

DOUYON, LORNA M

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.

10/043,872

Applicant(s)

MICCICHE ET AL.

Office Action Summary

Examiner

Lorna M. Douyon

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.135(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 1751

1. This action is responsive to the amendment filed on February 4, 2004.
2. The cancellation of claim 20 is acknowledged. Claims 41 to 43 are added. Claims 1-19, 21-43 are pending.
3. The rejection of claims 3 and 8 under 35 U.S.C. 112, second paragraph is withdrawn in view of applicants' amendment.
4. The rejection of claims 1-12, 18-19, 23-25, 27, 30-31 under 35 U.S.C. 102(b) as being anticipated by Jones et al. (US Patent No. 4,753,844) is withdrawn in view of applicants' amendment.
5. The rejection of claims 17, 32-40 under 35 U.S.C. 103(a) as being unpatentable over Jones as applied to the above claims is withdrawn in view of applicants' amendment.
6. Claims 1-12, 15-17, 21, 23-33, 35 and newly added claims 42-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers et al. (WO 98/44185), hereinafter "Rogers" for the reasons set forth in the previous office action.
7. The rejection of claims 1-19, 21, 30-32 under 35 U.S.C. 103(a) as being unpatentable over Raso et al. (WO 99/19441) is withdrawn in view of applicants' amendment.

Art Unit: 1751

8. Claims 1-14, 17-19, 21-27, 30-41, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/30956 for the reasons set forth in the previous office action.

9. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite in the recital of "having composition" in line 2. In addition, the dash after "10:1" (see third line from last) should be deleted.

Response to Applicants' Arguments

10. Applicant's arguments filed February 4, 2004 have been fully considered but they are not persuasive.

With respect to the rejection based upon Rogers, Applicants argue that Rogers does not disclose or suggest a carpet and fabric cleaning wipe having a composition comprising a soil resist, let alone a soil resist present in an amount of about 0.01 wt% to about 4 wt%. Applicants also argue that Rogers does not disclose or suggest a wipe having a loading level ratio of about 1:1 to about 10:1, based on a total weight of the cleaning composition to a total weight of the carpet and fabric cleaning wipe.

The Examiner respectfully disagrees with the above arguments because the cleaning sheet of Rogers is for treating fabrics (see abstract). Even though Rogers does not teach the use of his composition as a carpet cleaning wipe, the two different intended uses are not distinguishable in terms of the composition, see *In re Thuau*, 57 USPQ 324; *Ex parte Douros*,

163 USPQ 667; and *In re Craige*, 89 USPQ 393. With respect to the soil resist, Rogers teaches in Example III, the addition of anti-static agent (which is equivalent to the soil resist) in an amount of at least about 0.5%, typically from about 2% to about 8% by weight of the composition (see page 46, lines 6-10). With respect to the loading level ratio, Rogers teaches, in claim 10, that 10 to 30 grams of a liquid cleaning/refreshment composition is absorbed in the carrier sheet. On page 8, last paragraph, Rogers teaches the loading capacity for the carrier. Rogers teaches that for a given type of carrier the capacity for the cleaning or refreshment composition will vary mainly with the thickness or "caliper" of the sheet or pad and for purposes of illustration, typical single-use polyester sheets which have a thickness in the range from about 0.1 mm to about 0.7 mm and a basis weight in the range from about 30 g/m² to about 100 g/m².

With respect to the rejection based upon WO '956, Applicants argue that WO '956 fails to disclose or suggest a carpet and fabric cleaning wipe having a cleaning composition comprising a soil resist. Applicants also argue that the fluoropolymers in WO '956 are used to treat the substrate to adapt the separation force between wipes (page 12, line 27), hence, WO '956 fails to disclose a soil resist.

The Examiner respectfully disagrees with the above arguments because even though WO '956 does not teach the use of the composition as a carpet and fabric cleaning wipe, the two different intended uses are not distinguishable in terms of the composition as discussed above. Even though the fluoropolymers in WO '956 are used differently, the fact remains, that the same fluoropolymers are used, hence, would also function as soil resist.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
Art Unit 1751